

Translation

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

10/538312

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference D7300329WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/DE2003/003058	International filing date (day/month/year) 15 September 2003 (15.09.2003)	Priority date (day/month/year) 20 December 2002 (20.12.2002)
International Patent Classification (IPC) or national classification and IPC H04Q 7/38		
Applicant PHILIPS SEMICONDUCTORS DRESDEN AG		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 8 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☒ (sent to the applicant and to the International Bureau) a total of 10 sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

Date of submission of the demand 20 July 2004 (20.07.2004)	Date of completion of this report 05 April 2005 (05.04.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/DE2003/003058

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ The international application as originally filed/furnished
- ☒ the description:
- pages _____ 1, 4-6, 9-12 _____, as originally filed/furnished
- pages* _____ 2, 3, 3a, 3b, 7, 8, 8a _____ received by this Authority on _____ 21 March 2005 (21.03.2005)
- pages* _____ received by this Authority on _____

- ☒ the claims:
- pages _____, as originally filed/furnished
- pages* _____, as amended (together with any statement) under Article 19
- pages* _____ 1-13 _____ received by this Authority on _____ 21 March 2005 (21.03.2005)
- pages* _____ received by this Authority on _____

- ☐ the drawings:
- pages _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____

- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/DE 03/03058

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-13	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-13	NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

2. Citations and explanations

Citations

1. This international preliminary examination report makes reference to the following documents cited in the international search report:

D1: EP-A-1 257 141

D2: US-A-5 991 287

D3: WO-A1-96/28947

1. Claim 1:

- 1.1 D1 discloses a "method for establishing a connection between a mobile station and a communications network, the connection between the mobile station and the network being established after connection parameters are selected via an access point," (D1, the abstract; page 7, lines 21-26) having the following features of the present independent claim 1:

- currently available connection possibilities to different networks having different standards and frequency bands are automatically recognised (D1,

column 10, line 54 - column 11, line 6; column 11, lines 11-19),

- after a first standard is selected, the connection possibilities having this standard are checked, then a second standard is selected and the connection possibilities are likewise checked for the second standard (D1, column 11, lines 35-30; **observation**: according to page 4, lines 6-14, of the description of the present application, the connection possibilities are checked by setting all frequencies and channels and by analysing reception; this is also disclosed by D1, in column 11, lines 25-28),
- the parameters which characterise the standard of the connection possibility found are stored (D1, column 10, line 43 - column 11, line 6, "... the measurement report constructed by the mobile station...").

1.2 The subject matter of independent claim 1 of the present application appears to differ from the disclosure of document D1 only by the following feature:

1.2.1 Claim 1 explicitly states that "a connection to an access point with which communications are established with a given standard and for which a connection possibility was found is established by the mobile station manually or automatically in a program-controlled manner on the basis of selection criteria".

1.2.2 In this respect, D1 discloses that the mobile station sends a "measurement report" with indications about the connection possibilities found during the scanning process (D1, the abstract), as well as a "service request", to an UMTS-RNC (D1, the abstract). This "service request" initiates the establishment of the connection. According to the disclosure of D1, the RNC, after evaluating the "measurement report", if necessary makes the decision to switch a connection established by this RNC to another radio access network (D1, [0038]-[0040]).

1.3 It is noted that the establishment of a telecommunications connection from a mobile station to a node of a radio access network is generally a procedure which requires both the mobile station and the radio access network to take a plurality of actions.

Since in D1 the mobile station clearly initiates the establishment of a connection by sending the "service request" to the UMTS-RNC (i.e. plays a decisive role in the establishment of the connection), it is not possible to recognise an actual inventive difference between the feature in claim 1 that "a connection ... is established by the mobile station automatically in a program-controlled manner on the basis of selection criteria..." and the disclosure of document D1.

1.4 No inventive step can thus be recognised, for the above-mentioned reasons, in the method defined in the current independent claim 1, in view of the disclosure of D1 (PCT Article 33(3)).

1.5 The following observations are also made:

1.5.1 If the disclosure of D1 is compared with the embodiment of the present invention described on page 10, line 14 to page 11, line 7, additional differences that go beyond the wording of the present claim 1 are recognised. The mobile station according to the present invention is able to evaluate the connection possibilities found on the basis of particular criteria and then to establish a connection to the access point that best satisfies the criteria in question.

This degree of autonomy is unknown in the mobile station described in D1, which only transmits the "measurement report" and the "service request" to the radio access network, in which the decision about the access point is also made.

1.5.2 However, this implementation is already sufficiently known from the other prior art documents cited in the international search report; reference is made to document D3, which extensively describes (D3, page 11, line 31 - page 12, line 16) the evaluation by a mobile station of radio access networks received during "scanning" (for example on the basis of cost) and their automatic switching, i.e. the establishment of a connection.

1.5.3 An independent claim restricted accordingly would thus not be considered inventive in relation to a combination of documents D1 and D3 (PCT Article 33(3)).

2. Claims 2-13:

2.1 Dependent claims 2-13 do not add anything inventive to the claims to which they refer (PCT Article 33(3)) because the features they contain were disclosed by document D1 or D2, can be directly derived from D1 or D2 or represent obvious features without any special significance which are part of the general professional knowledge of a person skilled in the art:

(a) **claim 2:**

document D1 also describes the use of the available data rate as selection criterion (D1, column 10, lines 2-11; column 12, lines 24-28)

(b) **claim 3:**

D1, column 5, lines 42-51: "... means to scan a frequency spectrum and to identify potential radio network sources..."

(c) **claim 4:**

D1, column 4, lines 4-15: "... a mobile terminal being in radio communication with the first mobile telecommunications network, ... the mobile terminal scanning a frequency spectrum and identifying at least a potential radio access network..."
D2, column 1, lines 44-55

(d) **claim 5:**

D2, column 4, lines 31-57

(e) **claim 6:**

obvious measure without inventive significance

- (f) **claim 7:**
D2, column 5, lines 7-20, "power save mode"
- (g) **claim 8:**
obvious measure without inventive significance
- (h) **claim 9:**
obvious measure without inventive significance
- (i) **claim 10:**
obvious measure without inventive significance
- (j) **claim 11:**
D2, column 4, lines 36-39, "... MS determines that the signal quality of the link with the current AP has degraded below..."; column 6, lines 12-32, "... if the link quality falls below..., ... if a new AP with a better link quality was found..."
- (k) **claim 12:**
D1, column 4, lines 42-50
- (l) **claim 13:**
obvious measure without inventive significance